

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

MARCUS WADE,

Petitioner,

VS.

GLEN TURNER,

Respondent.

No. 05-1100-T/An

FILED BY 8  
05 JUN 21 AM 8:42  
ROBERT R. DI TROIO  
CLERK OF U.S. DIST. CT  
AND OF TN. JACKSON

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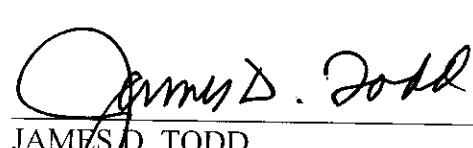
ORDER SETTING ASIDE ORDER OF DISMISSAL

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On April 1, 2005, petitioner Marcus Wade filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and an application to proceed *in forma pauperis*. The Court entered an order on April 18, 2005 denying pauper status and ordering petitioner to pay the \$5.00 habeas filing fee within thirty days. Petitioner paid the filing fee on April 25, 2005. Inadvertently, however, the fact that the filing fee had been paid was not recorded on the docket sheet, leading to the dismissal of the petition on June 8, 2005.

As the petitioner complied in a timely manner with the Court's order to pay the \$5.00 filing fee, the order of dismissal is hereby SET ASIDE. The Court will conduct a preliminary review of the petition pursuant to Rule 4 of the Rules Governing § 2254 Cases.

IT IS SO ORDERED.

  
\_\_\_\_\_  
JAMES D. TODD

UNITED STATES DISTRICT JUDGE

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
20 June 2005



# Notice of Distribution

This notice confirms a copy of the document docketed as number 9 in case 1:05-CV-01100 was distributed by fax, mail, or direct printing on June 21, 2005 to the parties listed.

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Marcus Wade  
292802  
P.O. Box 549  
Whiteville, TN 38075

Honorable James Todd  
US DISTRICT COURT